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Company \_\_\_\_\_

Cochise County Library District

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02-6

**MESSAGE**

*I faxed this an hour ago without the  
signature. Sorry.*

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**Date:** April 5, 2004

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**TO :** FCC  
**SUBJECT:** Request for Review (CC Docket No. 02-6)

This letter is an appeal of a decision made by the SLD. In a letter dated 2/23/04, the SLD denied my appeal on FRN 1016859 for Year 2003 e-rate funding for 471 application number 362392 for Billed Entity number 143066.

I am assuming that the FCC has access to all of the documents in this case so far, and that I do not need to attach them again.

The SLD letter states that my appeal is denied because "your application did not comply with the competitive bidding requirement that your Form 470 be posted to the website for 28 days." The letter further states that "FCC rules require that all contract extensions be posted on the website for 28 days..." and that "the automatic renewal clause in your contract is equivalent to a new contract period."

The SLD letter further states that I "have failed to demonstrate on appeal that SLD has erred in its decision; consequently the appeal is denied."

I understand from the letter of denial that I have been making a mistake every year in considering the ongoing, automatically-renewing contract we have with the Univ. of AZ as a "multi-year" contract that does not require posting of a 470. I was trying to dutifully following the rules for a multi-year contract, as I have outlined

in my 8/14/03 letter of appeal. I had no idea that I had anything other than a "multi-year" contract.

However, I think that the SLD could have identified my error and pointed it out to me during one of the earlier PIA reviews. We have been funded for this request each year for Years 1 through 5, and I have faxed this contract to the SLD on their request three times—first on 5/5/00 to someone named Pina, then on 3/25/02 to someone named Mike, and most recently on 5/23/03 to Joe Moryl.

Since the SLD reviewed this contract in those two earlier years, as well as for year 6, the review team could have seen my error and pointed it out to me. Instead, they apparently OK'd my earlier applications, because we were funded. Since I continued to get e-rate funding for this contract each year, I reasonably assumed that the review team had both times decided that my applications were in order. I therefore continued to apply the same way I had always applied—not filing a 470 on this contract because the "multi-year" contract rules said not to.

*Dana A. Galab*